

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

v.

PLATFORM SOLUTIONS, INC. and T3  
TECHNOLOGIES, INC.,

Defendants.

Civil Action No. 06-cv-13565-LAK (THK)

**JURY TRIAL DEMANDED**

**[PUBLIC VERSION - REDACTED]**

**PLATFORM SOLUTION INC.'S SUPPLEMENTAL RULE 56.1 STATEMENT IN  
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT ON COUNTS ELEVEN  
AND TWELVE OF INTERNATIONAL BUSINESS MACHINE CORPORATION'S  
SECOND AMENDED COMPLAINT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, defendant and counterclaimant Platform Solutions, Inc. ("PSI") respectfully submits the following supplemental statement of materials facts that PSI contends are not in dispute:

1. Attached as Exs. 11 to 81 to the Declaration of Ryan C. Kirkpatrick in Support of PSI's Motion for Leave to File a Supplementary Memorandum of Law and Supplementary Memorandum of Law ("Kirkpatrick Decl.") are true and correct copies of correspondence between Fundamental Software, Inc. ("FSI") and International Business Machines Corporation ("IBM"). [Kirkpatrick Decl. at ¶ 2, 3 & 12, Exs. 1, 2 & 11-81.]
2. These documents were produced to PSI on May 22, 2008 in response to a third party subpoena issued to FSI on February 20, 2008. [Kirkpatrick Decl. at ¶ 3, Ex. 2.]

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Dated: June 10, 2008

SUSMAN GODFREY L.L.P.

By: /s/ Jacob W. Buchdahl

Stephen D. Susman

Jacob W. Buchdahl

Tibor L. Nagy

SUSMAN GODFREY L.L.P.

654 Madison Ave., 5th Floor

New York, NY 10022

(212) 336-8330

Stephen Morrissey (Pro Hac Vice)

Ryan Kirkpatrick (Pro Hac Vice)

SUSMAN GODFREY L.L.P.

1901 Avenue of the Stars, Suite 950

Los Angeles, CA 90069

(310) 789-3100

*Attorneys for Platform Solutions Inc.*